ANDOVER BOARD OF HEALTH Minutes August 11, 2014, 6:00 P.M. CD&P First Floor Conference Room 36 Bartlet Street

The Board of Health Meeting was called to order at 6:06 p.m. Present were Ms. Katherine Kellman, Vice-Chairman, Gopala K. Dwarakanath, M.D., Clerk, and Mr. Thomas G. Carbone, Director of Public Health.

Ms. Candace Martin, Chairman, was not in attendance this evening due to a scheduling conflict, but participated via phone. The following guidance to allow the remote participation was provided by Mr. Carbone:

Ms. Kellman will need to chair the meeting.

At the beginning of each hearing, Ms. Kellman will need to do the following:

- Announce that Ms. Martin is participating by telephone due to geographic distance, due to work related travel that would interfere with her ability to be physically present.
- Ensure that both Ms. Martin and the people in the room are able to hear each other.
- All votes must be taken by roll call.

I. Approval of Minutes

• July 14, 2014

Motion by Ms. Kellman, seconded by Dr. Dwarakanath, to approve the Minutes of July 14, 2014 with the following correction:

• On Page 1, under last bullet titled • 6:05 p.m. – Building 1, Unit 118, Casco Crossings – Status Review of Outstanding Orders, first sentence, change "Mr. Carbone explained to the Board that the electrical power to the units is the last part to be completed." to "Mr. Carbone explained to the Board that the electrical power to the pumps is the last part to be completed."

Vote taken: Ms. Kellman, Aye, Dr. Dwarakanath, Aye, Ms. Martin, Aye. Unanimous approval.

II. Appointments & Hearings

• N/A

III. Discussion

• **Possible Further Regulation of Tobacco** – Mr. Ronald Beauregard, Director of the Tobacco Control Program, Ms. Joanne Martel, R.N., Assistant Director of Public Health and Public Health Nurse, and Ms. Jane Morrissey, R.N., Public Health Nurse,

were present for the discussion. Ms. Martel began the discussion stating that she wanted to speak to the Board about continuing to upgrade the Town of Andover Tobacco Regulations. The Town of Andover was on the forefront of Tobacco regulations when smoking in public restaurants was prohibited, but now she feels there is more the Board can do. Ms. Martel stated that we should be proactive instead of waiting for situations to arise that have to be dealt with quickly; such as the Hookah Bar issue the Board had to deal with recently. Mr. Beauregard provided the Board with three documents from the Municipal Tobacco Control Technical Assistance Program; Municipalities and Effective Dates with MLSA of 21 and 19, Local Summary on Tobacco Sales Bans in Pharmacies, and Municipalities that Limit the Number of Tobacco Sales Permits. ¹

- i. **Limiting the Number of Retail Tobacco Permits** – Mr. Beauregard offered some options the Board may have. The Board could limit the number of permits to the current number it has now, which is 14 (until CVS stops selling tobacco products in October, 2014). If a store is sold, the buyer would have sixty (60) days to apply for a permit to sell tobacco. This, however, would make it so the number of stores would not be reduced in the future. Another option is to decrease the number of stores as they go out of business or sell the business. Or the Board could decide on a number that it would be comfortable with over what the Board has now so that it could provide for someone new to come into town and obtain a Retail Tobacco Permit. The Board was concerned that the last option would encourage more businesses to apply than we already have. Ms. Martin stated that she would like to see some historical data on the places that have sold tobacco products in the past to see if the number has fluctuated over the years. Mr. Carbone stated that he will get more information on the data for Andover as well as for our neighboring towns.
- Prohibitiong the Retail Sale of Tobacco in Health Care Facilities Dr. ii. Dwarakanath stated that he was in favor of this additional regulation. Ms. Martin stated that she wasn't sure that this would have the desired impact. She felt that larger companies that sell tobacco have better training and control and do a better job of enforcing the age requirement than the small businesses. Ms. Kellman asked the Board if it wanted to ban a pharmacy or large business with a Pharmacy in the store from selling tobacco, only to have the customer go to a variety store that has less controls in place. Unfortunately, even at a Pharmacy or large store, there are ways to get around the machines that are supposed to stop a sale if a person is under age. The Board decided it needed more data and Mr. Beauregard informed the Board that four communities have done this and no one has stood up to oppose it. Ms. Martel stated that she believed it was counter intuitive to have tobacco products in any type of health facility. Since public health is our issue, we should be doing everything we can to discourage the sale of tobacco. The Board hoped that since CVS has decided to stop selling tobacco in October, 2014, other health facilities would follow suit.

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¹ The three documents will be filed in the Agenda Packet after page 42.

Raising the Age to Purchase Tobacco- Ms. Martel referred to the document provided that listed 27 Municipalities that have raised the minimum age for tobacco sales to 21, and informed the Board that a 28th Municipality joined since this document was printed. There were five that increased the age to 19. Ms. Martin stated that she would promote this change to the regulations the most because it would have a greater impact to change sales to minors. Dr. Dwarakanath asked what would keep a minor from going to a neighboring town to purchase tobacco. Ms. Martel stated that since most 16 year olds get their tobacco products from 18 year olds, there wouldn't be much movement to other towns in that age group. Also, the longer you prevent a child from smoking, the better it is because they are less likely to start smoking later on.

In conclusion, Mr. Carbone stated that this was a starting point for the Board to begin discussions on adding these further regulations of Tobacco. Ms. Martel stated that she can provide draft regulations from other towns for the next Board of Health Meeting on Monday, September 8, 2014. Then the Board can look at them and see what it likes and dislikes and have another discussion then.

- **Set Meeting Dates for the Remainder of the Year** The Board decided on the following Board of Health Meeting dates for the rest of the year: Monday, October 20, 2014, Monday, November 17, 2014, and Monday, December 8, 2014.
- Correspondence Delivery Mr. Carbone shared with the Board the decision to send out correspondence weekly so that the Board can receive them in a timely manner. The correspondence will be delivered via e-mail.
- Hoarding Task Force Grant Application Present was Danielle Molloy, Summer Intern with the Health Division. Ms. Molloy is a Public Health Major at UMass, Amherst. Ms. Molloy stated that she is interested in environmental and social issues as well as making healthy eating a social standard. Mr. Carbone informed the Board that Ms. Molloy was working on the Hoarding Task Force Grant Application. Mr. Carbone took what she put together and fine tuned it for submittal. Ms. Molloy explained that some of the Grant money would be used to hire a social worker. Ms. Kellman asked Ms. Molloy if there was anything about this project that she found most interesting. Ms. Molloy replied that she had seen the TV shows about hoarding and found it interesting to see that after homes are cleaned, there is no one available to help keep them on tract. As a result, their homes go back to the same state they were in before the cleaning because no one is dealing with the underlying issues of the illness. Therefore, the mental health issues surrounding the hoarding behavior are of interest to her.

Dr. Dwarakanath had to leave the meeting at 7:04 p.m. because of a prior commitment.

• **Arbovirus Activity** – Mr. Carbone filled in the Board about the Arbovirus activity. So far the mosquito season has been pretty good. Typically we try to look at that activity at this point in the summer to determine if we should recommend any

spraying in Town. At the moment Mr. Carbone is not recommending that the Board take any additional action. Ms. Martin asked if it was because of the cooler nights, and Mr. Carbone responded that he was not sure, but that the lower activity has been the case regionally. The positive mosquito pools are very low throughout the State, so that is good news.

IV. Old Business

• Streamlined Permitting Review Update – Mr. Carbone informed the Board that we are still moving forward with this review. The Division Heads have been interviewing some of the Developers and we have a few more people that we want to talk to, but our goal is to get a draft review out by next month.

V. <u>Subdivision Definitive Plans</u>

• N/A

VI. Plan Review

- DWRP Variances/Local Upgrade Approval
 - 5 Oak Street LUA to Allow SAS to be 4' above Water Table, 5' Required; Allow Tank to be 5' from Foundation, 10' Required - Mr. Carbone reminded the Board that this is the property that the Board took action against the Bank that owned it for failing to upgrade the septic system. The current owner has submitted revised plans that turned the leach field a little bit, but it doesn't change the LUA in any way. For the combination septic tank and pump chamber there is not enough room between the house and the property line anywhere to meet the full compliance. They are able to get the septic tank 10' off of the property line and they will maintain a 5' setback off of the house for the tank. In the back where the yard is sloping to rear they are already requiring a lot of fill, and they will need additional fill if they go to a full compliant 5' setback. If they are required to meet the full design, the Engineer estimated that would add approximately \$3,000.00 to the cost. Ms. Martin asked if a barrier is needed for the foundation with the septic tank, and Mr. Carbone replied that a barrier is not typically put between the tank and the foundation because the tank is a solid wall, so there would be no worry about leakage back to the foundation. Besides the additional cost another concern could be that additional trees would have to be cut as well to maintain the slope on the grade.

Motion by Ms. Kellman, seconded by Dr. Dwarakanath, to approve the LUA to allow the SAS to be 4' above the Water Table where 5'is required and to allow the tank to be 5' from the Foundation, where 10' is required. Vote taken: Ms. Kellman, Aye, Dr. Dwarakanath, Aye, Ms. Martin, Aye Unanimous approval.

• 213 River Road – LUA's to Allow Sieve Analysis in Lieu of Perc Test, Allow SAS to be 73' to a Wetland Bordering a Surface Water Supply (100' Required), SAS to be 16' from Foundation (20' Required) – Mr. Carbone stated that these LUA's were on the last Board of Health's Meeting, but the Engineer requested a continuance. Since there are still problems, the Engineer has requested to withdraw his request.

Motion by Ms. Kellman, Seconded by Dr. Dwarakanath, to allow the withdrawal of the LUA to allow Sieve Analysis in lieu of Perc Test, allow SAS to be 73' to a wetland bordering a surface water supply (100' Required), allow SAS to be 16' from foundation (20' Required). Vote taken: Ms. Kellman, Aye, Dr. Dwarakanath, Aye, Ms. Martin, Aye. Unanimous approval.

VII. Staff Reports

A. Director's Reports:

- Important Dates:
 - ° September 8, 2014 at 6 p.m. Board of Health Meeting
- B. **Nurses' Report for July, 2014** The Nurses' Report for July, 2014, were for informational purposes only.
- C. **Inspectors' Reports for July, 2014** The Inspectors' Reports for July, 2014, were for informational purposes only.

VIII. Board Member Reports

• N/A

IX. Adjournment

Motion by, Ms. Kellman seconded by Ms. Martin, to adjourn at 7:09 p.m. Vote taken: Ms. Kellman, Aye, Ms. Martin, Aye. Unanimous approval.